IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7553 of 2007()

CRIME NO. 380/07 OF EDACHERY POLICE STATION
CMP.5082/2007 of J.M.F.C.,VADAKARA

.....

PETITIONER : ACCUSED NO.5:

SAJEER, S/O.MOIDEEN, NAMBODAN KUTTIYIL HOUSE, MUTTUNGAL AMSOM, RAYARANGOTH DESOM, VADAKARA TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA THROUGH THE SUB INSPECTOR OF POLICE, EDACHERY POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 7553 of 2007

- -

Dated this the 7th day of December, 2007

O R D E R

Application for regular bail. The petitioner is the 5th accused. Altogether there are 15 accused persons. The petitioner is named in the F.I.R. The alleged incident took place on 31.10.2007. The petitioners belong to NDF. They allegedly attacked persons belonging to IUNL. Grievous injury has been suffered by one of the victims. Crime has been registered, inter alia, under Sections 326 and 307 I.P.C. The petitioner was arrested on 18.11.2007 and he continues in custody from that date.

2. Accused 1 to 3 were granted regular bail by this Court as per order dt. 3.12.2007 in B.A.No. 7397 of 2007. The learned counsel for the petitioner prays that the petitioner may also be granted regular bail.

3. The learned Prosecutor does not oppose the application, but submits that identical conditions as were imposed on the

co-accused may be imposed on the petitioner herein also. The Investigators may be given reasonable further time to complete the investigation also, it is prayed. I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate safeguards as requested by the learned Prosecutor.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 15.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 for a period of two months from the date of his release and

thereafter as and when directed by the Investigating Officer in writing to do so.

(d) Except for the purpose of complying with condition No.(b) above, the petitioner shall not enter the jurisdiction of Edacherry Police Station during the said period of two months, without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

tm